

## **MEMORANDUM**

**TO:** District of Columbia Board of Zoning Adjustment  
**FROM:** Maxine Brown-Roberts, Project Manager  
 Joel Lawson, Associate Director, Development Review  
**DATE:** November 27, 2012  
**SUBJECT:** BZA 18456 – 2225 M Street, NW

### **I. OFFICE OF PLANNING RECOMMENDATION**

West End Residential, LLC (applicant) on behalf of the District of Columbia requests the following variance relief, pursuant to § 3103.1 and special exception review, § 3104.1 to accommodate a mixed use building at 2225 M Street, NW with Engine Company #1 fire station, a squash club or office use and up to 65 residential units in the CR district:

Variances:

- § 633, Open Space (10% required, 8% provided)
- § 638.1, Open Court (13.75 feet required, 8 feet provided)
- § 2101.1, Parking (55 spaces required, 24 spaces proposed); and
- § 2201.1, Loading (one, 55-foot loading berth; one, 30-foot loading berth; one, 200 square foot loading platform; one, 100 square foot loading platform; and two, 20 feet deep service/delivery spaces required: one, 30-foot loading berth; one, 100 square foot loading platform; and one, service/delivery space 20 feet deep is proposed)

Special Exceptions:

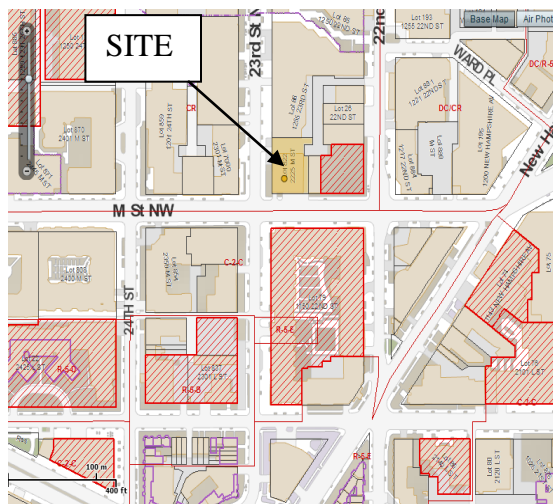
- § 411.5, Roof structure enclosures (18.5 feet high required, 9.08 feet provided)
- § 630.4 Roof structure setback (18.5-foot setback required, 8.08 and 14 feet setback provided)

The Office of Planning (OP) **recommends** approval of the requested variances and special exceptions.

### **II. LOCATION AND SITE DESCRIPTION:**

Address:	2225 M Street, NW
Legal Description:	Square 50, Lot 822
Ward/ANC:	2/2A
Lot Characteristics:	The irregularly shaped lot has an area of 16,260 square feet (approximately 0.38 acre) at the intersection of M and 23 Street, NW. The northeast portion of the lot abuts a 30-foot wide north-south alley and a 29-foot wide east-west alley.

Zoning:	CR – Mixed Use (Commercial Residential). Encourages a mixture of residential, office, recreational, light industrial and other miscellaneous uses.
Existing Development:	The property has a one-story building which houses Engine Company #1 fire station.
Historic District:	The subject property is not within a historic district.
Adjacent Properties:	North: 8-story office building. South: 10-story Ritz Carlton residences and Ritz-Carlton hotel East: 4 story office building West: Across 23 <sup>rd</sup> Street is an 8-story building with ground floor retail, and office and residential uses on the upper floors.
Surrounding Neighborhood Character:	The West End neighborhood has a variety of residential, hotel, office and retail uses. Properties to the north of M Street are in the CR zone except for the property at the corner of M and 22 Streets which is to be developed under a CR PUD. Properties to the south of M Street are in the C-2-C zone except for the Ritz Carlton building which is developed under a CR PUD.



### III. APPLICATION

The subject property is owned by the District of Columbia and is occupied by Fire Engine Company #1. The applicant has a contract with the District under a land disposition agreement (LDA) that require the redevelopment of the property with a new fire station and at least 52 affordable units. Further, the provision of a new fire station on this site was proffered as an amenity in Zoning Commission Case 11-12 at Square 37, Lots 836, 837 and 855(corner of 23<sup>rd</sup> and L Streets, NW to the south of the subject property).

The proposed development would demolish the existing structure and replace it with a nine (9) story building with the fire station facilities on the 1<sup>st</sup> and 2<sup>nd</sup> floors and a squash club on the 3<sup>rd</sup> and 3<sup>rd</sup> floor mezzanine and a portion of the 4<sup>th</sup> floor. The applicant has requested to provide office use as an alternative to the squash club if it proves to be infeasible. The 4<sup>th</sup> through 9<sup>th</sup> floors will accommodate 61 apartment units (65 units if the office alternative is built). No fewer than 52 of the units will be for households not exceeding 60% of the Area Median Income (AMI). The unit mix will be mostly efficiencies and one-bedroom units with a few market rate two-bedroom units.

To accommodate the proposed development the applicant has requested a number of variance and special exceptions which are outlined in Section I of this report and on the table below in Section IV.

### IV. ZONING RELIEF

	CR	PROPOSAL	RELIEF
Min. Lot Area § 2401.1	n/a	16,260 sf	None Required
FAR § 631.1	6.0 3.0 (non-residential max.)	5.47 (with squash club) 5.77 (with office alternative)	None Required
Lot Occupancy § 634	75% residential 100% non-residential	26% residential 97% non-residential	None Required
Height § 630.1 § 2604.2	90 ft. 100 ft.	100 ft.	None Required
Open Courts § 638.1	13.75 ft.	8 ft. width	Required
Parking § 2101.1	<u>Fire station</u> 1space/1,800 sf in excess of 2,000 sf = 8 spaces  <u>Squash Court w/out bleachers</u> 1space/2,000 sf = 10 spaces  <u>Squash Court with bleachers</u> 1space/2,000 sf = 10 spaces 1space/12seats = 17 spaces  <u>Residential</u> 1 per 3 du. = 20  <u>Total: 55</u>	<u>Fire station</u> 20  <u>Other uses</u> 4  <u>Total: 24</u>	Required

	<u>Office Alternative:</u> 1space/1,800 sf in excess of 2,000 sf = 13 spaces  <u>Fire station</u> 1space/1,800 sf in excess of 2,000 sf = 8 spaces  <u>Residential</u> 1 per 3 du. = 22  <u>Total:</u> 43		
Bike Parking § 2119.1	5% of fire station = 1 5% of required Squash Club= 1 5% of required residential = 1	38 spaces	None Required
Loading § 2201.1	<u>Fire Station</u> – n/a  <u>Squash Club</u> – n/a  <u>Office Alternative</u> 1 berth @ 30 ft. 1 platform @ 100 sf. 1 service space @ 20 ft.  <u>Residential</u> 1 @ 55 ft. deep 1 platform @ 200 sf 1 service space @ 20 ft.	1 @ 30 ft. deep 1 platform @ 200 sf 1 service space @ 20 ft.	<b>Required</b>
Enclosure height § 411.5	Uniform height	Unequal heights (18.5 feet and 9.08 feet)	<b>Required</b>
Roof Structure Setback § 411.7	1:1 setback from exterior walls	Higher enclosure has a setback of 8.08 feet instead of 18.5 feet.	<b>Required</b>
Public Open Space at Ground Level § 633.1	10% of lot area = 1,624 sf.	8% of lot area = 1,323 sf.	<b>Required</b>

## V. OFFICE OF PLANNING ANALYSIS

- **Variance relief for parking, loading and courts:**

- i. **Uniqueness Resulting in a Practical Difficulty**

The property is unique due to exceptional situations which have resulted in practical difficulties in providing the required parking, loading, open court, and ground level open space. The building has to accommodate three uses, each with specific requirements which affect the applicant being able to meet all the zoning requirements.

**Parking:** The size of the property and the requirement that a fire station be housed on the property dictates that the required 55 spaces would have to be below grade. The applicant proposes to provide 24 spaces on the underground level. The fire station has requirements such as a fire water storage tank, a convenience stair for the firemen that connects their parking to the ground level, and an oil separator room that is provided to serve the fire apparatus. These facilities are not usually

found in below grade areas of other buildings. These unique needs of the fire station have greatly reduced the space available for parking in the underground area and in turn reduced the number of parking spaces.

**Loading:** The only option is to provide access from the alley off 22<sup>nd</sup> Street. The east-west alley off 22<sup>nd</sup> Street is only 15 feet wide and connects to a 30-foot wide north-south alley. The 55-foot trucks are able to easily navigate along the 30-foot wide portion of the alley but it would require multiple turns or backing into the space making it difficult to access the 15-foot wide portion of 22<sup>nd</sup> Street and could also negatively affect traffic movement along 22<sup>nd</sup> Street. In addition, even if the 55-foot trucks were to navigate through the alley, the building is not able to accommodate a 55-foot berth as it would reduce the space required by the fire station on the ground floor.

**Open Courts:** The office building to the north has windows on the side adjacent to the subject property. The zone district does not require a setback from the property line. Therefore, the windows on the adjacent property are liable to be compromised. The applicant has elected to provide an 8-foot setback, from the property line beginning at the 4<sup>th</sup> floor, the residential use, which the Zoning Administrator has determined to be a court. If provided, a conforming court would be 13.75 feet. The setback is to maximize the light and air into the units on this portion of the building as well as provide the same for the adjacent building. However, if the required width and area of the court were to be provided, the size of the units would have to be reduced.

**Public Open Space:** The CR district requires that 10% of the lot area be retained as public open space to serve as a transitional space between the pedestrian right-of-way. The building however would provide only 8% along 23<sup>rd</sup> Street and M Street. The amount of open space that can be provided is affected by the required access to the apparatus bays and the required interior space on the ground floor. Of the approximately 108-foot wide M Street frontage the fire station access area occupies approximately 71-feet. If the additional 2% were to be provided the space required by the fire station would be reduced.

## **ii. No Substantial Detriment to the Public Good**

**Parking:** The applicant states that 20 of the spaces will be dedicated to the fire station to accommodate the fire fighters who work on shifts. The remaining 4 spaces will be shared between the squash court or the commercial use. The residents, affordable and the market rate, along with the users of the squash club or alternate office space, would have their transportation needs served by walking, biking and by the multiple bus routes along M Street, NW. In addition, the Dupont Circle Metro Station is 4 blocks northeast of the site and the Foggy Bottom Metro Station is 4 blocks south of the site. The applicant states that there are also a number of parking lots in the neighborhood which would provide long term as well as short term parking to serve the residents and/or patrons of the squash club or the commercial alternative. Therefore, the reduction in parking will not be a detriment to the public good.

**Loading:** A majority of the units are efficiencies and one-bedroom units, and are not of a size that would require large trucks to transport furnishings. Loading service to the site should be adequately served by the 30-foot berths if the services for the users are coordinated. The applicant states in their Loading management Plan that the property manager will coordinate and residential deliveries. If a 55-foot truck required access to the site, the manager would need prior notification so that a temporary permit could be obtained.

**Courts:** The proposed courts will provide additional light and air to the units for future residents and will not affect the users of adjacent properties or the neighborhood.

**Public Open Space:** The small reduction in the amount of public open space around the building will not negatively affect the neighborhood and the design of the space will make it useable to both the general public as well as users of the building.

### **iii. No Substantial Harm to the Zoning Regulations**

Alternative means of transportation such as bike, bus and Metrorail in addition to other buildings with public parking will mitigate the proposed reduction in parking spaces. The reduction in loading is addressed by having a manager to coordinate the use of the loading berths while the court will help to provide light and air into the residences and not block the light and air into the adjacent building. Ground level open space is provided and the small reduction in space will not minimize its use. Additionally, the squash club and its amenities would be open to the public. Therefore, granting the variances would not cause substantial harm to the Zoning Regulations.

- **Special Exception relief for roof structure setbacks:**

*411.11 Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of . . . § 770.6 . . .*

**Enclosures of Unequal Height:** As proposed, the roof accommodates the condensing units for each of the units, the fire station's MEP/HVAC equipment, and the elevator overrides. The enclosure for the mechanical equipment and the elevator overrides is 18.5 feet in height while the enclosure for the condensing units is 9.08 feet. The variation in the height of the enclosures is to help reduce the massing of the structures on top of the building.

**Roof Structure Not meeting the Required Setback:** The enclosure that houses the MEP/HVAC equipment and the elevator override does not meet the required 1:1 setback (18.5 feet) on the east and north sides of the building. On the east side, the setback is 8.08 feet from the east wall of the building, while on the north side; the structure is setback 14-feet from the north wall of the building. The residential portion of the building is much narrower than the base of the building and therefore the roof space is reduced. However, while the roof structure is set back only 8.08 feet from the east wall of the building, it is set back 38.33 feet from the east property line and on the north wall the setback is 14 feet but 22 feet from the north property line. Therefore, while the structures do not meet all the setbacks from the outer walls of the roof, there is a significant setback from the property line.

The location of the roof structures is a function of the internal configuration, layout and design of the building particularly to accommodate the fire station. The proposed relief will be in harmony

with the intent of the Zoning Regulations to shield and/or minimize the structures from view. The roof structure should not be visible from M Street and 23<sup>rd</sup> Street and will not adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

## **VI. AGENCY COMMENTS**

The District Department of Transportation (DDOT) report will be submitted under separate cover.

## **VII. COMMUNITY COMMENTS**

At its public meeting on November 14, 2012, Advisory Neighborhood Commission (ANC) 2A voted to support the requested variances and special exceptions.